

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ATON SELECT FUND, LTD, a Republic	:
of Mauritius limited liability company,	:
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	:
Plaintiff(s),	:
	:
	:
-v-	:
CELL SOURCE, Inc., a Nevada	:
Corporation, ITAMAR SHIMRAT,	:
PHILIP D. FORLENZA and GIORDANO	:
HALLERAN & CIESLA, P.C.,	:
	:
Defendant(s).	:
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Case No. 1:22-cv-6612 (RA)

CASE MANAGEMENT PLAN AND
SCHEDULING ORDER

RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby
adopts the following Case Management Plan and Scheduling Order:

1. All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. The parties have not engaged in settlement discussions.
3. This case is not to be tried to a jury.
4. No additional parties may be joined after December 15, 2022, without leave of the Court.
5. No amendments to the pleadings may be made after December 15, 2022, without leave of the Court.
6. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than 45 days after close of the pleadings.
7. All fact discovery is to be completed no later than ten months after close of the pleadings.

8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 7 above.
 - a. Initial requests for production of documents shall be served by two months after close of the pleadings.
 - b. Interrogatories shall be served by four months after close of the pleadings.
 - c. Depositions shall be completed by eight months after close of the pleadings.
 - d. Requests to Admit shall be served no later than nine months after close of the pleadings.
9. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by fourteen months after close of the pleadings. [The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]
10. All discovery shall be completed no later than fourteen months after close of the pleadings.
11. The Court will conduct a post-fact discovery conference on **October 20, 2023** at 3:00 p.m.; Call-In Number: (888) 363-4749; Access Code: 1015508#.

No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.

13. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:

- a. _____ Referral to a Magistrate Judge for settlement discussions.
- b. X Referral to the Southern District's Mediation Program. [*Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 13(b).*]
- c. _____ Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

- 14. The parties have conferred and their present best estimate of the length of trial is three (3) days.
- 15. No later than **December 9, 2022**, the parties shall file a joint letter indicating whether they have reached agreement as to whether Plaintiff will file an Amended Complaint, and whether Defendant anticipates filing any further motions to dismiss.
- 16. No later than **February 1, 2023**, the parties shall file a joint letter indicating whether the Court should refer this action to the Court-annexed Mediation Program for settlement discussions.

SO ORDERED.

Dated: December 1, 2022
New York, New York



Hon. Ronnie Abrams
United States District Judge